

06-26-07

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BRINKS
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& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Appln. of: Kiyoshi Sato et al.

Appln. No.: 10/716,710

Filed: November 17, 2003

For: THIN FILM MAGNETIC HEAD
HAVING TOROIDALLY WOUND
COIL

Examiner: Tianjie Chen

Art Unit: 2627

Attorney Docket No: 9281-4693

Client No. N US02180

Mail Stop PTA
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is:

- ☒ Transmittal Letter (in duplicate); Request for Reconsideration of Patent Term Adjustment (in duplicate) with attached Appendix A and B.
- ☐ Return Receipt Postcard

Fee calculation:

- ☒ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(_____).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$

Fee payment:

- ☐ A check in the amount of \$_____ is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____.
- ☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

June 25, 2007

Date

Jay Q. Knobloch (Reg. No. 57,347)

"Express Mail" mailing label number: EV 316044299 US

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Our Case No. 9281-4693
Client's Reference No. N US02180

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Kiyoshi Sato

Serial No. 10/716,710

Filing Date: November 17, 2003

For: THIN FILM MAGNETIC HEAD HAVING
TOROIDALLY WOUND COIL

Examiner: Tianjie Chen

Group Art Unit No. 2627

**REQUEST FOR RECONSIDERATION OF
PATENT TERM ADJUSTMENT**

Mail Stop Patent Ext
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Patent Application Information Retrieval (PAIR) system indicates a patent term adjustment that was calculated by the U.S. Patent office pursuant to 37 C.F.R. 1.701 of 579 days. A copy of the Patent Application Information Retrieval (PAIR) system Patent Term Adjustment History is attached as Exhibit A.

Applicant's Attorney believes that the patent term adjustment should be 674 days. For the reasons stated herein, reconsideration of the patent term adjustment is respectfully requested pursuant to 37 C.F.R. 1.705(b). Please charge any additional fee required or credit for any excess fee paid to Deposit Account No. 23-1925. A duplicate copy of this Petition is attached.

The present application is not subject to a terminal disclaimer. In addition, there were no circumstances during the prosecution of the application resulting in the notice of allowance that constitute a failure of the Applicant to engage in reasonable efforts to

conclude processing or examination of the present application as set forth in 37 C.F.R. §1.704.

Period of adjustment pursuant to 37 C.F.R. § 1.703(a)(1)

The period of adjustment pursuant to 37 C.F.R. § 1.703(a)(1) is the number of days in the period beginning on the day ("the 14 month date") after the date that is fourteen months after the date on which the application was filed pursuant to 35 U.S.C. § 111(a), or fulfilled the requirements pursuant to 35 U.S.C. § 371, and ending on the date of mailing or either an action pursuant to 35 U.S.C. § 132 or a notice of allowance pursuant to 35 U.S.C. § 151, whichever comes first.

The PTO calculation of the period of adjustment pursuant to 37 C.F.R. § 1.703(a)(1) indicates, as shown by the PAIR PTA adjustment history, an adjustment of 518 days.

Period of adjustment pursuant to 37 C.F.R. § 1.703(b)

The period of adjustment pursuant to 37 C.F.R. § 1.703(b) is the number of days in the period beginning on the day ("the 3 year date") after the date that is three years after the date on which the application was filed pursuant to 35 U.S.C. § 111(a) or fulfilled the requirements pursuant to 35 U.S.C. § 371.

The present application was filed on November 17, 2003. The 3 year date specified in 37 C.F.R. § 1.703(b) is November 17, 2006. The PTO issued a patent for the present application on April 24, 2007. The difference between the 3 year date and the date of issue of the patent is 158 days. A copy of the first page of the issued patent is attached as Exhibit B.

Reduction in Period of Adjustment pursuant to 37 C.F.R. § 1.704(b)

Pursuant to 37 C.F.R. § 1.704(b), the period of adjustment shall be reduced by the number of days, if any, beginning on the day after the date (the 3 month date) that is three months after the date of mailing or transmission of an Office communication

notifying the applicant of a rejection, objection, etc., and ending on the date a corresponding reply was filed.

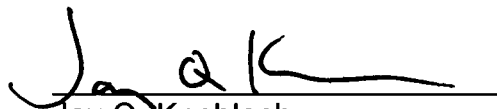
The PTO calculation of the period of reduction of adjustment pursuant to 37 C.F.R. § 1.704, as shown by the PAIR PTA adjustment history, is 2 days.

Total Patent Term Adjustment

For the present application, the total patent term adjustment pursuant to 37 C.F.R. § 1.703(f) is the period of adjustment pursuant to 37 C.F.R. § 1.703 reduced by any delays pursuant to 37 C.F.R. § 1.704. Thus, according to our calculations, we believe that the patent term adjustment should be at least 518 days + 158 days – 2 days = 674 days.

It is respectfully asserted that the patent term adjustment determined by the U.S. Patent and Trademark Office for the present application may not be correct. Accordingly, Applicant's Attorney respectfully requests the U.S. Patent and Trademark Office to reconsider, and make revisions to the PAIR system Patent Term Adjustment History in view of the previous remarks. In addition, it is respectfully requested that the patent term adjustment be re-calculated by the U.S. Patent and Trademark Office in view of the above remarks. Office personnel are invited to contact the undersigned attorney for the Applicant's Attorney via telephone if such communication would be beneficial in fulfilling this request.

Respectfully submitted,


Jay Q. Knobloch
Registration No. 57,347
Attorney for Applicants

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06-25-
2007::17:11:10**Patent Term Adjustments**

Patent Term Adjustment (PTA) for Application Number: 10/761,710

Filing or 371(c) Date:	01-21-2004	USPTO Delay (PTO) Delay (days):	0
Issue Date of Patent:	10-25-2005	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	0
Post-Issue Petitions (days):	+0	Total PTA (days):	0
USPTO Adjustment(days):	+0	Explanation Of Calculations	

Patent Term Adjustment History

Date	Contents Description	PTO(Days)	APPL(Days)
10-25-2005	Patent Issue Date Used in PTA Calculation		
09-14-2005	Dispatch to FDC		
08-13-2005	Application Is Considered Ready for Issue		
08-05-2005	Issue Fee Payment Verified		
08-05-2005	Issue Fee Payment Received		
06-16-2005	Mail Notice of Allowance		
06-16-2005	Mail Examiner's Amendment		
06-14-2005	Notice of Allowance Data Verification Completed		
06-14-2005	Case Docketed to Examiner in GAU		
06-09-2005	Examiner's Amendment Communication		
06-08-2005	Date Forwarded to Examiner		
06-08-2005	Date Forwarded to Examiner		
06-06-2005	Request for Continued Examination (RCE)		
06-08-2005	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)		
06-06-2005	Workflow - Request for RCE - Begin		
03-18-2005	Mail Final Rejection (PTOL - 326)		
03-16-2005	Final Rejection		
03-15-2005	Date Forwarded to Examiner		
02-25-2005	Response after Non-Final Action		
12-30-2004	Mail Non-Final Rejection		
12-27-2004	Non-Final Rejection		
12-16-2004	Date Forwarded to Examiner		
12-03-2004	Response to Election / Restriction Filed		
12-03-2004	Workflow incoming amendment IFW		
11-10-2004	Mail Restriction Requirement		
11-08-2004	Requirement for Restriction / Election		
09-15-2004	IFW TSS Processing by Tech Center Complete		
09-15-2004	Case Docketed to Examiner in GAU		
02-21-2004	Reference capture on IDS		
01-21-2004	Information Disclosure Statement (IDS) Filed		
09-09-2004	Transfer Inquiry to GAU		
09-09-2004	Transfer Inquiry to GAU		
04-29-2004	Transfer Inquiry to GAU		

04-24-2004	Application Return from OIPE
04-24-2004	Application Return TO OIPE
04-23-2004	Application Dispatched from OIPE
04-26-2004	Application Is Now Complete
03-08-2004	Cleared by OIPE CSR
02-04-2004	IFW Scan & PACR Auto Security Review
01-21-2004	Initial Exam Team nn

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